MINUTES HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

July 15, 2021

Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official after Approved by HWMAC On October 21, 2021

Notice of Public Meeting - The Hazardous Waste Management Advisory Council (HWMAC) convened for a Regular Meeting at 10:00 a.m. on July 15, 2021. The meeting was held in accordance with the Open Meetings Act, with notice of the meeting given to the Secretary of State on November 4, 2020. The agenda was posted at the DEQ at least twenty-four hours prior to the meeting. Mr. Lee Grater, Chair, called the meeting to order. Ms. Quiana Fields called roll and there was no quorum.

MEMBERS PRESENT

Kinnamon Clark Matt Cobb Ray Reaves Lee Grater

DEQ STAFF PRESENT

Kelly Dixon
Mike Edwards
Kole Kennedy
Heather Mallory
Aron Samwel
Mike Stickney
Clifton Hoyle
Lee Dooley
Linzi Bhatta
Dustin Davidson
Brian Stanila
Michelle Wynn
Quiana Fields

MEMBERS ABSENT

Wes Anderson Dale Copeland Kenneth Ede Lyndel Gibson Terry Vandell

OTHERS PRESENT

Deb Garver, Court Reporter

Chairperson's Report - Mr. Grater introduced new Councilmembers, Mr. Kinnamon Clark and Mr. Matt Cobb to the Council.

See transcript pages 4 - 5

Director's Report – Ms. Kelly Dixon, Division Director of the LPD, provided an update on Division activities.

See transcript pages 5 - 11

Discussion – Mr. Mike Edwards, Environmental Programs Manager of the LPD, talked on the October 2021 rulemaking meeting in the context of recent statutory changes.

See transcript pages 11 - 15

Discussion – Ms. Aron Samwel, Environmental Programs Manager and Ms. Heather Mallory, Environmental Programs Specialist of the LPD, spoke on DEQ's proposed updates to Subchapters 1, 3, 5 and 7 of OAC 252:221 Brownfields.

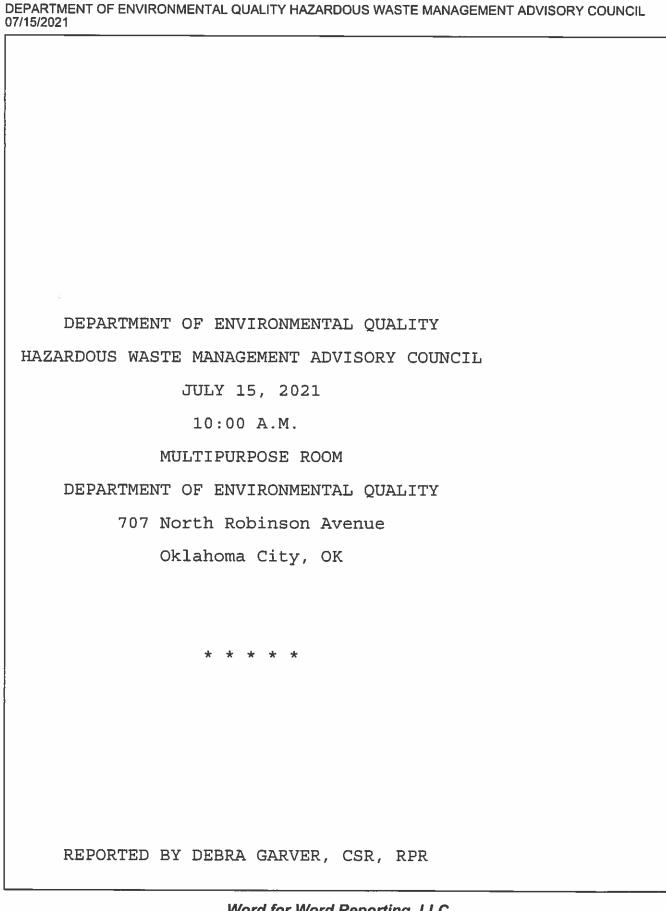
See transcript pages 15 - 21

New Business - None

Adjournment – Mr. Grater adjourned at 10:37 a.m.

See transcript page 22

Transcript and attendance sheet is attached as an official part of these Minutes.



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1	Page 2 COUNCIL MEMBERS:	1	Pag PROCEEDINGS
2	Wesley Anderson, absent	2	CHAIRMAN GRATER: Call the meeting to order.
3	Kinnamon Clark	3	
4	Matt Cobb	4	The July 15th, 2021, regularly scheduled meeting
5	Dale Copeland, absent	5	the Hazardous Management Advisory Council is called in
6	Dr. Kenneth Ede, absent	-	accordance with the Open Meetings Act.
7	Lyndel Gibson, absent	6	Notice was filed with the Secretary of State on
8	Ray Reaves, Vice Chair	7	November 4th, 2020. The agenda was duly posted 24 hou
9	Terry Vandell, absent	8	prior to the meeting at DEQ.
10	Lee Grater, Chair	9	Only matters appearing on the posted agenda may b
11	Lee Grater, Chair	10	considered at this regular meeting. In the event that
12		11	this meeting is continued or reconvened, public notice
		12	of the date, time, and place of the continued meeting
1.3		13	will be given by announcement at this meeting. Only
14		14	matters appearing on the agenda of a meeting which is
.5		15	continued may be discussed at the continued or
16		16	reconvened meeting.
17		17	Ms. Fields, call the roll, please.
18		18	MS. FIELDS: Mr. Anderson is absent.
19		19	Mr. Clark.
20		20	MR. CLARK: Here.
21		21	MS. FIELDS: Mr. Cobb.
22		22	MR. COBB: Here.
23		23	MS. FIELDS: Mr. Copeland is absent. Dr. Ede
24		24	is absent. Mr. Gibson is absent.
25		25	Mr. Reaves.
	Page 4	 	Pac
1	MR. REAVES: Here.	1	Another new member that's present today is Mr. Ma
2	MS. FIELDS: Ms. Vandell is absent.	2	Cobb, who's replacing Bob Kennedy, representing the
3	Mr. Grater.	3	industry.
4	CHAIRMAN GRATER: Present.	4	MR. COBB: Good morning, I'm Matt Cobb. I wa
5	MS. FIELDS: We do not have a quorum.	5	director of environmental health and safety for the
6	CHAIRMAN GRATER: Next item is Chairperson's	6	Education and Development Corp., now doing consulting
7	report.	7	work for them and several other companies. I do a lot
8	Our main item of business today is we have two new	8	of work with our conservation, National Wildlife
9	members of the committee here. Mr. Kinnamon Clark is	9	Conservation, (inaudible) management, National Wild
10	replacing Noble Stanfield, environmental organizations.	10	Turkey Federation. So the environment is obviously
11	Mr. Clark, would you care to give us a brief bio?	11	very, very important, so it's an honor to be on this
.2	MR. CLARK: Good morning. My name is Kinnamon	12	council and looking forward to making some really neat
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	_ ,	12	- docinions and firming out that in our de us de title
L3	Clark. I'm the environmental engineer for the Charles	13	
L3 L4	Clark. I'm the environmental engineer for the Charles Machine Works, known as Ditch Witch, in Perry, Oklahoma.	14	CHAIRMAN GRATER: Thank you.
.3 .4 .5	Clark. I'm the environmental engineer for the Charles Machine Works, known as Ditch Witch, in Perry, Oklahoma. I've been at Ditch Witch for about ten years. I was	14 15	CHAIRMAN GRATER: Thank you. The other member who's not present today is Dale
L3 L4 L5	Clark. I'm the environmental engineer for the Charles Machine Works, known as Ditch Witch, in Perry, Oklahoma. I've been at Ditch Witch for about ten years. I was also previously our combined safety manager, so come	14 15 16	CHAIRMAN GRATER: Thank you. The other member who's not present today is Dale Copeland. He's replacing Debra Smith.
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13 14 15 16 17 18 19 20 21 22 23 24 25	Clark. I'm the environmental engineer for the Charles Machine Works, known as Ditch Witch, in Perry, Oklahoma. I've been at Ditch Witch for about ten years. I was also previously our combined safety manager, so come from the manufacturing role on that side of industry. I also have an active farm that I operate on the side that keeps me busy in the evenings. And it's a fun situation resource tying those two worlds together of manufacturing and the hands-on restoring a bunch of old farmland at the same time.	14 15 16 17 18 19 20 21 22	The other member who's not present today is Dale Copeland. He's replacing Debra Smith. And I would like to thank Noble Stanfield, Bob Kennedy, and Debra Smith for their past service. We appreciate it. Next item on the agenda is the director's report. Ms. Dixon.

Page 6 is voluntary, but it's an important role in rule making and it really helps us make sure that we make informed decisions as we pursue rule making.

I think a lesson learned here, if you don't have anything to vote on on the agenda, you don't get a quorum. But we appreciate you guys being here today.

I usually use this time to share some information, some general information about what's going on in the agency and in our division. So I'm just going to share a few things with you guys this morning.

First, you know, we spent about a year and a half teleworking because of COVID, and June 1st we came back to the office, back to our routine inspections. We learned a lot during that experience, and it's led to us having a formal permanent telework policy.

So our employees get to telework up to three days a week with their manager's approval. We think it's good for morale, it's good for recruitment of new employees.

We have learned that we did not have a disruption in customer service through telework. When we're teleworking, we're working. So we're happy that we have that in place now. A lot of employees are happy about

One other note is we've changed our dress policy.
I don't know how long it will last this way, but it's

Page 7
"Dress for your day." So we get to wear jeans unless
we're at a formal meeting like this, if we want to.

And it's unbelievable to me how many people are happy about wearing jeans every day. So it's another thing that's good for morale. So just thought I'd share that with you guys.

A couple of key pieces of legislation that were passed this last session that may be of interest to this council and impacted our division.

One was an advanced recycling bill that helps recycle plastics that are hard to recycle. So it confirms that source-separated is material, plastics, are -- don't require a permit.

And we're hopeful that it will be good for the economy and good for the environment, so we'll see how -- we don't have any facilities to date, but we'll see how that works.

More specific about hazardous waste, we finally, after many years, were able to get rid of an obsolete rule or statute that required disposal plans. It was -- it predated RCRA, and it's been superseded by E-Manifest -- by EPA's manifest. So it was on the books, it was sort of a regulatory and reporting burden to our customers, so now it's off the books.

To stay revenue neutral, though, we increased the

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hazardous waste disposal fee by 50 cents, so it went
from \$9 to \$9.50 per ton. And the large quantity
generator minimum payment is \$300. Before it was
three -- it was 100, and it cost money per waste stream.

So it's a equitable deal. I think everybody's happy about it. And it really reduces the reporting burden on our customers, so we're happy about that.

We've had some personnel changes. I was just telling Lee about that. Fenton Rood, who was a long-time employee, a public servant of the state -- I think he always introduced himself as "The Garbage Man" -- retired after over 40 years of service in -- I think he retired in November. We have replaced him with Clifton Hoyle, who's here today.

Cliff, you want to stand up?

(Mr. Hoyle stands.)

MS. DIXON: He is the assistant director of our division. He has a work history in the solid waste program, used tire program, hazardous waste inspections, SARA Title III. So he's bringing a lot to the table. He also has a degree from OU and one from OSU, so he can keep our staff happy with that balance.

We also -- I don't know how many of you know Ray Roberts. He passed away unexpectedly in March. It was a big loss to our staff from a personal and a professional capacity. So we made some changes.

Amy Britton is now stepping into that role that he played to review and make sure that we're making consistent decisions about risk and groundwater.

So Amy's been with us for a long time. She managed our Superfund program. So it'll be good, but we all miss Ray.

The agency has a big initiative to pursue lean management to improve our efficiencies, and we continue to work on that. The big focus right now for agency is approving permit timelines, so that would include our RCRA permitting.

So we have -- each division has champions that know the process, and we're going all in on lean management. So you'll probably hear about that as time goes on, especially about the results from that.

One interesting story I'd like to share. If you guys can think back to February when we were all hunkered down and snowed in with the big freeze, something that was happening across the state was public water and wastewater systems were having all kinds of problems.

Pipes were breaking, pumps were breaking and, you know, public water supply is probably the most important thing this agency oversees.

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Page 10 So during these weeks we had -- our water quality staff at our legal field offices were working really

closely with systems all across the state.

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At the end of the day there were 255 public water systems that were impacted, 30 wastewater systems that were impacted. We had 110 boil orders. And there's still -- out of all of those, there's still six facilities that are still not 100 percent, waiting on machinery, equipment, whatever.

But the good-news story is that the partnership that our staff -- the role they played with the public water supply municipalities, with rural water, with tribal governments, they were just in there working really hard and deserve a lot of recognition for their hard work.

And the last thing I was going to share with you is, in December of this year, the National Brownfields Conference, which is a really big deal, is coming to Oklahoma City.

It's been postponed because of COVID a couple of times, but I think this is a hard and fast date, December 8 through 11. The National Brownfields Conference is going to be in the new convention center here downtown.

And if you don't know anything about it, I

encourage you to check it out. We have some information on our web page. I'm not sure registration is open, but

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it's a good place to network, to learn about

redevelopment and cleanup of contaminated properties.

5 So I would encourage you guys to check it out if you're б interested.

7 And that's all I have. If you have questions, I'm В happy to take them.

9 CHAIRMAN GRATER: Any questions from the 10 council?

(No response.)

12 CHAIRMAN GRATER: Any questions from the 13 public?

(No response.)

CHAIRMAN GRATER: I would like to say at this time that I was shocked to find Mr. Roberts had passed. He was an exemplary individual, did a great deal of very fine service for the state and was an absolute joy to work with. I'm saddened by that personally, and I think I speak for the rest of the council and anyone that knew him.

22 We have a discussion on the hazardous waste management committee's October rule meeting in context 23 24 of recent statutory changes.

Mr. Edwards.

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MR. EDWARDS: Thank you, Mr. Grater.

Kelly actually covered some of what I was going to say. The main thing I was going to do is sort of give the new members kind of an overview -- a bird's-eye view of kind what the purpose is -- the main purpose of the October meeting.

It's a rule-making meeting. It's the one rule-making meeting that we schedule each year. And usually the main thing we do is we update the incorporation by reference. And so that's in subchapter 3 of the state rules. I hope I have that right.

And, really, it's just changing the date that we changed the previous year. So last year's rule making, we changed the date from '19 to '20, 2019 to 2020. This year we'll change it from 2020 to '21.

What that accomplishes is it brings in any federal rule changes that occurred from July 1 of the previous year to June 30th of the current year. So it's pretty simple, the concept.

There are lots of new rules that come out from EPA every year, but only some of them are relevant for RCRA. And even within that, only some of those are actually required for us to incorporate to maintain our program

We have to maintain an equivalent program to the

Page 13 federal in order to maintain our authorization status, and so the mechanism to ensure that we do that is the EPA has a website where they will list what rules came out during that time period. Very convenient.

I have a copy of the rule we have to incorporate here. And I'll spare you some of the details on it unless you want the details. Probably plan to give more in October.

But the short version is it's a modernization of the ignitable liquids determination. So it's a fancy way of saying that, basically, they're going to allow non-mercury thermometers when testing for ignitable liquids. That's oversimplification. There's several other modernizations that they're doing for that, particular characteristics.

So, like I said, I could give you more details if you want. There's -- one of them is they're finalizing updates to correct cross-references to U.S. DOT regulations and to remove obsolete information in the ignitability regulation.

So it's pretty -- you know, it's essentially 22 housekeeping to some extent, with the ignitability regulations and a modernization. So that's the new rule that we'll be incorporating. And that's sort of the main topic.

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Page 14 But then the second thing that we have to do in October is, as Kelly referenced, there were statutory changes that occurred during the last year. I think you guys are probably familiar with them. If not, they were to Chapter 105, 119, and 121 in the statutes. And those, basically, are the statutes that cover Disposal Plans.

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I won't go into the details. Kelly just went into them, what they changed. But because the statutes changed, this council has a responsibility to change the state rules so that they're not in conflict with those statutes. So the rule-making meeting in October is when we do that.

We're starting -- I was going through the state rules some yesterday to figure out which subchapters we're going to have to make modifications to. I think it's mostly just going to be a couple of them.

Subchapter 5, which is additional generator requirements, there's a couple -- several references to disposal plans in that subchapter that we're going to have to strike through.

22 And then I believe it's -- yeah, subchapter 21 of 23 state rules is fees. So obviously there's going to be 24 some changes to that. It's really not any more complicated than that.

Page 15 There may be a couple other references in the state rules that we have to pare down and make some changes to, but in advance of the October meeting we'll have the rule-making documents ready to go and we can have more discussion on them then, or now.

Let's see. That's really it. I think, in addition to those hazardous waste things, we'll have the Brownfields presentation, which I think the staff will give you in here in a minute.

But that's really all I have. So if you have any questions, I'll be happy to answer.

CHAIRMAN GRATER: Questions from the council? (No response.)

CHAIRMAN GRATER: Don't appear to be any. Questions from the public for Mr. Edwards? 16 (No response.)

CHAIRMAN GRATER: Do not appear to be. The next item on the discussion is the DEO's proposed updates to subchapters 1, 3, 5, and 7 of OAC 252, 221 Brownfields, introduction and presentation by Aron Samwel.

22 MS. SAMWEL: Hello, my name is Aron Samwel, and 23 I'm the Brownfields manager at DEQ.

Before I start with the rules updates, I just wanted to point out, yes, the National Brownfields

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Conference is in December and registration opens
August 9th.
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So we also recently found out that the community reception is going to be held at the First Americans Museum. That's that Thursday that week. So make sure you all attend. It should be really neat to get to see the museum and showcase Oklahoma.

Raise your hand if this is your first council meeting? Yeah. Mine too.

> Who here has heard of Brownfields? (Hands raised.)

MS. SAMWEL: Okay. Good. Well, for those of you that haven't, the definition of "brown fields" is any site that has lost value because it's perceived to be contaminated.

So think of your abandoned gas station that's not being used anymore, everybody's afraid to buy it. That's a typical Brownfield site. Our Brownfield program is voluntary, and sites that finish our certificate program are given both state liability relief and federal Superfund liability relief.

We receive federal grants from EPA to operate. One of the grants that we receive is a revolving loan fund, and that helps people clean up environmental contamination at sites. It's great for us, too, because

Page 17 the money comes back so we get to loan it out again. 2

Heather Mallory is our revolving loan fund coordinator, and she is going to walk us through the updates that we want to make with our rules.

The last time we did our rules, it was 2011. So it's been ten years. We had a hard time during COVID because our proposals need to be put in a public place for comment, but during COVID all the public places were shut down. So we want to be able to have online comment and things like that.

We also have changed our fund manager. It used to be the Department of Commerce. So there's just some things we need to update on our rules, and Heather is going to walk you through that.

Do you all have any questions for me before Heather comes up?

(No response.)

18 CHAIRMAN GRATER: Okay. All right. I'll give 19 the mike over to Heather. Thank you, guys.

MS. MALLORY: Hello, I'm Heather Mallory, and 21 I'm the Brownfields revolving loan fund coordinator. 22 And she gave a good intro, so I'm just going to get right into our changes. And if we did small things like a space or a typo, I'm not going to over those.

So in Section 1-4, we removed an outdated statute

Page 18 Page 19 and replaced it with the current version. just kind of went obsolete on us, and other things are 2 In 1-6, just removed on an outdated statute, no just outdated laws that we're striking out. 3 longer any good. So in 7-1-A, we kind of did some rewording because And then 3-3 in -- I guess that's subsection 6, or we realized Executive Order 98-37 was no longer in 5 no subsection 9. I'm sorry. This is where we moved existence, so we just kind of struck that out and added from two paper copies to one and allowed an electronic 6 some different wording that kind of clarified what our copy. And we added wording, as instructed by DEO. So. program is. 8 basically, we're just working with each participant to And then also Executive Order -- yeah, it appears 9 see what their comfort level is. 9 yet again in B., and so we struck that out. 10 And, honestly, the two papers copies, we didn't And D, this is where -- we used to have the 10 11 need them anymore because we moved to an electronic file 11 Department of Commerce manage, like, our loan payments 12 system in the last ten years, so that's just kind of 12 and do kind of like or loan terms and that sort of thing 13 obsolete and unnecessary. 13 14 And 3-5, subpart A, we're going to say that you can 14 And as of about three years ago we brought that 15 file your public notice just electronically, maybe put 15 in-house because the guy retired there. So we said, 16 it on the website or some other place where it can be 16 okay, we're not going to fill that position. So we need 17 publicly accessible, which is so much easier, because 17 to strike that out so the Department of Commerce doesn't 18 not everybody looks at a newspaper anymore and 18 look like they have some obligation there. 19 everybody's looking at the web page. 19 Part E updates statutes and then removed a whole B, similar -- similar wording, just allow for the 20 20 bunch of statutes, because every time we get new grant 21 website. 21 terms and conditions, EPA changes that. And so we 22 7-1, now we're getting -- this is revolving loan 22 thought, why not just make it very general since it's a fund and lots of changes here because, over time, this 23 23 constantly moving target. 24 is kind of driven by federal grants and so constantly 24 And then in sub 2, we struck out several 25 gives us new terms and conditions. And some of this definitions just for clarity and because they were cited Page 20 Page 21 1 somewhere else. And then we added different things. because folks were constantly confused. 2 And we realized we didn't define things like what We also talked about the administrative record is the Brownfields revolving loan fund and what are 3 could be electronic or hard copy or both. We were --4 grantees and program income, that's sort of thing. before, only had to do hard copy and a paper. The post closeout programming is important because So part C, we added the statute, and then also that 6 we didn't have that ten years ago when we created rules. can be made electronically as well instead of just because that's from repaid loans. And now we do have money coming from in from repaid loans, so we need to be 8 Then at 7-10, we specified the 30-day public 9 able to put a term to that. comment period for the applicants that was not stated in In 7-3, we added several different things for our 10 10 there. borrower eligibility because the repaid loans has 11 7-11, we struck out an unneeded sentence. And then 12 different requirements than the grant does. So we had 12 further on down, part 4, we also cited applicable state 13 to kind of clarify that just so folks would know where 13 regulations because we realized that wasn't in there, they stood and what to expect from us. 14 and it follows the same req. 15 Same for eligible uses in 7-4. It was all just 15 6, just added some updated statutes that had been 16 because of the repaid loans versus the grant 16 found in our grant. terminology. And same for 7-5 B and C. 17 17 And then, yet again, in -- let's see, which one is 18 7-7 is the part D. That was just to get rid of an 18 that? Six? No. 10 of that same section, where it 19 outdated statute. 19 talked about the closeout program, which is the repaid 20 7-8, part 6B, and you'll see it again in 7-9, that 20 loans. is old terminology from the original pilot grant, and 21 21 And that's the gist of it all. So if you have any now it's called Community Relations Plan instead of 22 questions let us know. 23 (inaudible) plan. So just trying to update things. CHAIRMAN GRATER: Any questions from council? 23 In 7-9, we also specified about the public comment 24 24 Any questions from the public? period for the (inaudible), just to clarify things 25 (No response.)

DEPARTMENT OF ENVIRONMENTAL QUALITY HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL 07/15/2021 Pages 22..23

1	Page 22 CHAIRMAN GRATER: Do not seem to be.	1	Page 2
2	Next item would be new business limited to any	2) SS:
3	matter not known or which could not be reasonably	3	COUNTY OF OKLAHOMA)
4	foreseen prior to the time of posting the agenda 24	4	
5	hours prior to the meeting.	5	CERTIFICATE
6	Are there any such comments?	6	I, DEBRA GARVER, a certified shorthand reporter
7	(No response.)	7	within and for the State of Oklahoma, certify that the
8	CHAIRMAN GRATER: None appear to be.	8	foregoing transcription of the Department of
9	Next item would be to adjourn.	9	Environmental Quality Hazardous Waste Management
10	If no one has any objection, I move is there a	10	Advisory Council Public Meeting, July 15, 2021, at 10 a
11	move to adjourn?	11	.m., at the Oklahoma Department of Environmental
12	MS. FIELDS: There is no quorum, so just	12	Quality, 707 North Robinson, 1st floor, Multi-Purpose
13		13	Room, in Oklahoma City, Oklahoma, was taken by me in
	adjourn.	14	stenotype and simultaneously transcribed by computer,
14	CHAIRMAN GRATER: Okay. We'll close.	15	and the foregoing is a true and correct transcript of
15	Thank you for coming,	16	said proceedings, and that I am not an attorney for or a
16	(Proceedings adjourned at 10:37 a.m.)	17	relative of any party, or otherwise interested in this action.
17		19	
16		20	Witness my hand and seal of office August 17, 2021
19		20	Dehre Garrere
20		21	DEBRA GARVER, CSR, RPR
21			State of Oklahoma CSR# 1370
22		22	Certificate exp. 12/31/2021
23		23	
24		24	
25		25	



HAZARDOUS WASTE MANAGEMENT ADVISORY COUNCIL

Attendance Record July 15, 2021 Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

11		
Kole Kenned	DFG	405 702 5177
Hather Hallo	MY DED	405-702-5135
Aron Samuel	DEQ	405-702-5123
MIKE STICKNEY	DEQ	405 702 5153
MATT COBS	DED	918-671-1995
Kingman Clark	Charles Madine	580-370-5344
Cliffon Hola	DEQ	
RAY REAVES	HAZ BOULD	405-640-2004
Bud Ground	EFO:	405-509-1135
David Snith	American dirlines	918-292-2835
Lae R. Grater	Council	580-231-7475
Quiano field	s ODEO	
Kelly Dixon	0950	
Le Deeles	SDEO	702-7179
Linzi Bhatta	DEQ	405-702-5150
Darkin Davider	DE Q	405-702-5115
LES WALER	045	Waller/beogs, com
Boian Stanila	DEQ	405 702 5138
Michelle Wynn	DEQ	